

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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FIRESTONE INDUSTRIAL PRODUCTS
COMPANY, LLC,

VERIFIED
ANSWER

Plaintiff,

Case No.: 2:23-CV-1915

-against-

DAVI ENTERPRISES, INC., d/b/a
SD TRUCK SPRINGS,

Defendant.
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Defendant DAVI ENTERPRISES, INC., d/b/a SD TRUCK SPRINGS, through their attorneys, LONG TUMINELLO, LLP, answering the Complaint of plaintiff, respectfully state as follows:

1. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph designated "1" of plaintiff's Complaint.
2. Admits each and every allegation contained in paragraph designated "2" of plaintiff's Complaint.
3. Admits each and every allegation contained in paragraph designated "3" of plaintiff's Complaint.
4. Admits as to being executive officer and denies knowledge or information to form a belief as to the truth of each and every other allegation contained in paragraph designated "4" of plaintiff's Complaint.
5. Admits each and every allegation contained in paragraph designated "5" of plaintiff's Complaint.

6. Admits each and every allegation contained in paragraph designated “6” of plaintiff’s Complaint.

7. Admits each and every allegation contained in paragraph designated “7” of plaintiff’s Complaint.

8. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph designated “8” of plaintiff’s Complaint.

9. Admits each and every allegation contained in paragraph designated “9” of plaintiff’s Complaint.

10. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph designated “10” of plaintiff’s Complaint.

11. Denies each and every allegation contained in paragraph designated “11” of plaintiff’s Complaint.

12. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph designated “12” of plaintiff’s Complaint.

As for Defendant’s Answer to Plaintiff’s Count I –

Breach of Contract and Debt and Money Due

13. Answering paragraph designated “13” of Plaintiff’s Complaint, Defendant repeats, reiterates and realleges each and every admission and denial stated above as though fully set forth herein.

14. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph designated “14” of plaintiff’s Complaint.

15. Denies knowledge or information sufficient to form a belief as to the truth of each

and every allegation contained in paragraph designated “15” of plaintiff’s Complaint.

16. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph designated “16” of plaintiff’s Complaint.

17. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph designated “17” of plaintiff’s Complaint.

18. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph designated “18” of plaintiff’s Complaint.

19. Denies each and every allegation contained in paragraph designated “19” of plaintiff’s Complaint.

As for Defendant’s Answer to Plaintiff’s Count II –

Unjust Enrichment

20. Answering paragraph designated “20” of Plaintiff’s Complaint, Defendant repeats, reiterates and realleges each and every admission and denial stated above as though fully set forth herein.

21. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph designated “21” of plaintiff’s Complaint.

22. Denies each and every allegation contained in paragraph designated “22” of plaintiff’s Complaint.

23. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph designated “23” of plaintiff’s Complaint.

24. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in paragraph designated “24” of plaintiff’s Complaint.

25. Denies each and every allegation contained in paragraph designated "25" of plaintiff's Complaint.

26. Denies each and every allegation contained in paragraph designated "26" of plaintiff's Complaint.

WHEREFORE, it is respectfully requested that Defendant be granted judgment as follows:

- a) Dismissing the Plaintiff's Complaint in its entirety; and
- b) Awarding the costs and disbursements of this action, including reasonable attorney's fees; and
- g) Such other and further relief as this Court deems just and proper.

Dated: Bay Shore, New York
April 6, 2023

LONG TUMINELLO, LLP

By: 

HAROLD SELIGMAN

Attorneys for Defendant

120 Fourth Avenue

Bay Shore, New York 11706

(631) 666-2500

VERIFICATION

STATE OF NEW YORK)

) ss.:


COUNTY OF SUFFOLK)

VINCENT DAVI, being duly sworn says; I am the Defendant in the within action; I have read the annexed **VERIFIED ANSWER** and know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters, I believe them to be true.



VINCENT DAVI

Sworn to before me this
06 day of April, 2023



Notary Public

HAROLD SELIGMAN
Notary Public, State of New York
No. 028E4988534 Suffolk County
Commission Expires Nov. 42, 2025